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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the seventh meeting
Held at Headquarters, New York, on Tuesday, 16 June 2009, at 10 a.m.

Chairman: Mr. Davies (Vice-Chairman) ..... (Sierra Leone)

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In the absence of Mr. Natalegawa (Indonesia), Mr. Davies (Sierra Leone), Vice-Chairman, took the Chair.

The meeting was called to order at 10.35 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of New Caledonia (A/AC.109/2009/9 and A/AC.109/2009/L.3)

Draft resolution A/AC.109/2009/L.3

2. **Mr. Smith** (Fiji), introducing the draft resolution on behalf of the sponsors, drew attention to the factual and procedural updates contained in its paragraphs 2, 3, 6, 21 and 26.

3. *Draft resolution A/AC.109/2009/L.3 was adopted.*

Question of Western Sahara (A/AC.109/2009/12)

Hearing of petitioners

4. *At the invitation of the Chairman, Mr. Boukhari (Frente Polisario para la Liberación de Saguia y de Rio de Oro (Frente POLISARIO)) took a seat at the petitioners' table.*

5. **Mr. Boukhari** (Frente Polisario para la Liberación de Saguia y de Rio de Oro (Frente POLISARIO)) said that Morocco's refusal to end its illegal occupation of Western Sahara had prevented the United Nations from achieving the decolonization of that territory. After agreeing, in 1990, to the Settlement Plan adopted by the Security Council and, in 1997, to the Houston Agreements, Morocco had, in 2004, rejected out of hand any option involving Western Sahara's independence. Since then, it had sought to impose the so-called autonomy option, whereby Western Sahara would be an integral part of Morocco. There could be no solution to the conflict that did not take into account the inalienable right of the Saharawi people to self-determination and independence; Morocco's continuing refusal to acknowledge that fact could jeopardize the ceasefire in place since 1991.

6. The Frente POLISARIO had proposed that a referendum should be held that would offer all the options recognized by the United Nations under General Assembly resolutions 1514 (XV) and 1541 (XV), including independence. If the referendum led to independence, the Frente POLISARIO would be prepared to negotiate a multifaceted strategic relationship between the two countries.

7. Morocco persisted in its rejection of the proposal. The Secretary-General's new Personal Envoy for Western Sahara, who was supported by the Frente POLISARIO, had so far been unable to reactivate negotiations between the parties; Morocco maintained its military occupation of the territory and continued to exploit the latter's natural resources illegally; and it continued to violate the human rights of the Saharawi people. Until such time as a just and lasting solution was found to the conflict, the United Nations must continue, through its Mission for the Referendum in Western Sahara (MINURSO), to monitor and protect human rights in the territory; the failure of the Security Council to broaden the mandate of MINURSO for that purpose appeared to be an instance of double standards. Moreover, the continued inclusion of the issue of Western Sahara in the Committee's agenda symbolized the failure of the United Nations to assume its collective responsibility in the matter, in accordance with General Assembly resolution 1514 (XV).

8. The Committee's work, the many General Assembly resolutions on Western Sahara and the International Court of Justice's advisory opinion of October 1975 rejecting Moroccan claims to the territory had provided a solid legal and political basis for the decolonization process; however, Spain, the Administering Power, had abdicated its responsibilities and had allowed the territory to be shared between Morocco and Mauritania, neither of which had any legal claim to it. European colonialism had thus been replaced by African colonialism. Acceptance of Morocco's attempt to annex Western Sahara, disguised as a proposal for autonomy, would be to deny, in the name of political correctness, the right of peoples to self-determination. He called on the Committee to renew its commitment to the decolonization of the last remaining African colony and continue its efforts to enable the people of Western Sahara to decide freely their own future.

9. *Mr. Boukhari withdrew.*

10. **Mr. Mahiga** (United Republic of Tanzania) said that it was unacceptable that, notwithstanding the fact that both the General Assembly and the Security Council had consistently recognized the right to self-determination of the Saharawi people, Western Sahara remained the only unresolved case of

colonialism in Africa. Moreover, denial of that right constituted a human rights issue that should be taken up by the relevant organs of the United Nations.

11. Finally, after drawing the Committee's attention to the reports concerning illegal exploitation of the mineral resources of Western Sahara, he reaffirmed his delegation's support for the efforts of people under colonial rule to exercise their inalienable right to self-determination, including independence.

12. **Mr. Moreno Fernández** (Cuba) recalled that the people of Western Sahara had been struggling to exercise their right to self-determination, for more than 40 years. They alone could decide their own future and they should be allowed to do so without interference. Since the conflict in Western Sahara was a question of decolonization the Committee must play a central role in reviewing the issue. In that connection, he expressed the hope that the negotiations being conducted under the auspices of the Secretary-General would continue and that their outcome would be consistent with General Assembly resolution 1514 (XV).

13. Finally, he called upon the international community to support the Saharawi people and pointed out that Cuba was doing its best in that regard and that it currently had 475 Saharawi students studying in its territory. It would continue to stand firmly by the Saharawi people in their heroic struggle to exercise their legitimate rights.

14. **Mr. Palavicini-Guédez** (Bolivarian Republic of Venezuela) expressed his delegation's solidarity with the people of Western Sahara, and its hope that the latter would be able to exercise their right to self-determination, pursuant to the relevant General Assembly and Security Council resolutions, and be able to participate fully as an independent nation in the work of the international community.

15. **Mr. Maes** (Côte d'Ivoire) suggested that it was time the Committee assessed the negotiation process and examined new approaches in order to achieve a solution that would satisfy both Morocco and the Frente POLISARIO, on the basis of all relevant General Assembly and Security Council resolutions. The Committee and the United Nations must redouble their efforts in that regard.

16. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to transmit all relevant documents under the agenda item to the General Assembly to facilitate the consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

17. *It was so decided.*

The meeting rose at 11.20 a.m.